

REMARKS

In the Office Action dated June 23, 2005, claims 1-9 were rejected under §112, second paragraph as being indefinite because the Examiner stated claim 1 refers to an "arrangement for allowing radiation..." but the disclosure teaches "an arrangement for causing radiation...". The Examiner stated this makes the structural limitations that are conveyed the phrase "an arrangement for allowing radiation..." unclear.

In response, claim 1 has been amended to use language consistent with the language in the disclosure, and therefore claim 1, and claims 2-9 depending therefrom, are submitted to be in full compliance with §112, second paragraph.

Claims 1-7 and 9-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Morgan et al. Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Morgan et al. in view of Campbell.

In response, each of independent claims 1 and 10 has been amended to state that the first and second radiators respectively emit fan beams (or irradiate measurement fields) that differ as to maximum size. Support for these added limitations in claims 1 and 10 is present in the specification as originally filed in the paragraph bridging pages 5 and 6.

Claims 1 and 10 and the claims respectively depending therefrom are submitted to be patentable over the Morgan et al. reference for the following reasons.

The Morgan et al. patent describes a tomography apparatus wherein a number of x-ray sources are respectively disposed opposite a like number of detector arrays. In the operation of the tomography apparatus, the x-ray sources are

activated in succession, so that x-ray projections of an examination subject are acquired from different directions. The overall arrangement composed of the x-ray sources and the detector arrays is stationary during the acquisition of the projection data. Only after the individual x-ray sources have been activated, and thus after the projection data have been acquired, does the overall tomography apparatus rotate through an angle, after which the aforementioned measurement sequence is repeated to acquire further sets of projection data. This is described in the Morgan et al. reference at column 5, lines 43-68 as well as column 14, lines 45-68. The tomography apparatus and method disclosed in the Morgan et al. reference differ from the method and apparatus disclosed and claimed in the present application because, during the rotation of the data acquisition components in the Morgan et al. reference, radiation does not alternately irradiate the examination subject from different radiators instead, as described above, in the Morgan et al. system the overall arrangement rotates only *after* projection data have been acquired from a subject from different projection directions. When the system rotates for the subsequent acquisition of sets of projection data at a different angular position, none of the x-ray sources is active.

Moreover, in the Morgan et al. reference all of the maximum measurement fields of the respective emitter/detector combinations are of equal size, in contrast to the language that has now been added in each of claims 1 and 10.

The Morgan et al. reference, therefore, does not disclose all of the elements of claim 1, nor all of the method steps of claim 10, as arranged and operating in those claims, and thus does not anticipate either of independent claims 1 or 10. For

the same reasons, the Morgan et al. reference does not anticipate claims 2-7 depending from claim 1, nor claims 11-16 depending from claim 10.

Although a rejection under 35 U.S.C. §103(a) based on the Morgan et al. reference by itself was not made, the Morgan et al. reference provides teachings that would dissuade a person of ordinary skill in the field of tomography system design from modifying the Morgan et al. reference to acquire projection data during rotation of the apparatus. At column 2, lines 3-18 of the Morgan et al. reference, a number of disadvantages associated with such "rotation while acquiring data" are described. Accordingly, it is the goal of the Morgan et al. reference to provide a system wherein these disadvantages are avoided by not having the system rotate during data acquisition. Modifying the Morgan et al. reference to allow for data acquisition during rotation, therefore, would be contrary to the explicit teachings of that reference.

Additionally, there is no teaching or suggestion in the Morgan et al. reference to use fan beams, or measuring fields, that are not equal in size with each other.

All of the above reasons apply as well to rebut the rejection of claim 8 under 35 U.S.C. §103(a) as being unpatentable in view of the teachings of Morgan et al. taken together with the teachings of the Campbell reference. For the above reasons, even if the Morgan et al. system were modified in accordance with the teachings of Campbell, the subject matter of claim 8, which embodies the subject matter of claim 1 therein, still would not result.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

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